

July 28, 2014

PRESENT: Philip Bean, Chairman
Mary-Louise Woolsey, Vice-Chairman
Rick Griffin, Selectman
Rusty Bridle, Selectman
Jim Waddell, Selectman
Frederick Welch, Town Manager
Mark Gearreald, Town Attorney

7:00 PM Public Meeting

SALUTE TO THE FLAG

I. Recognition of Service (05:21)

Chairman Bean recognized Barry Newcomb with a Recognition of Service certificate for his 17 years of service at the Police Department.

II. Public Hearing RSA 674:40-a Delegation of Authority to Accept Dedicated Streets (07:16)

1. Bradstreet Road, Elliott Street, Jenness Street, Janvrin Road, Hedman Avenue, Randall Street, and Park Avenue

Selectman Woolsey stated: she objects to that and doesn't think it's legal.

Town Manager Welch stated: these streets were never delegated but they were platted by the Planning Board.

Chairman Bean asked: do you see any legal challenge?

Town Manager Welch commented: he's not sure what the challenge is.

Selectman Woolsey read: under RSA 674:40-a Delegation of Authority to Accept Dedicated Streets under section 2 which was amended in 1993.

Chairman Bean commented: going to push it back to the next Selectman's meeting so Town Counsel can weigh in on the matter.

III. Public Comment Period (09:05)

There was no public comment.

IV. Announcements and Community Calendar (09:16)

Selectman Woolsey stated: received another nice letter thanking firefighters that responded to their home.

Selectman Griffin stated: attended the Sea Rise meeting; didn't see a lot being accomplished or solutions but matters that need to be concentrated on.

Chairman Bean offered another chance to talk in the public comment period.

V. Consent Agenda (11:15)

1. Parade and Public Gathering Licenses: American Legion Post 35 "Global War on Terrorism Ceremony: Hampton Historical Society "Annual Pig Roast"; "Firefighter Pipe Band Parade" Joseph T. McGuirk Golf Tournament; Challenge Montreal - Boston
2. Seafood Festival Vendors Licenses: The Shirt Factory 117 Ocean Blvd; Beach Basics/Kevin's 119 Ocean Blvd; Beach Basics 121 Ocean Blvd; Sea Ketch Restaurant 127 Ocean Blvd; Rock Palace/Hampton Fried Dough 169 Ocean Blvd; Deja-Vu Boutique 169 Ocean Blvd; Jewel Box 215 C Ocean Blvd; Jewelry Shak 225 Ocean Blvd; Tates Crafts 225 Ocean Blvd; Tibetan Boutique 239 Ocean Blvd; Mad Maggie (Decalomania) 243 Ocean Blvd; Mrs. Mitchell's 285 Ocean Blvd
3. Hampton Cemetery Deed: Alvin L. & Wildred L. Neller
4. Entertainment License and Post Permit: The Goat Bar and Grill – 20 L Street

Selectman Woolsey MOVED the Consent Agenda SECONDED by Selectman Griffin.

VOTE: 5-0-0

VI. Appointments (11:27)

1. Chief Sullivan, Police Department
 - a. Departmental Update

Chief Sullivan stated: two recent retirements this year with Sergeant Joe Galvin and Sergeant Barry Newcomb; both positions have been filled by Officer Chris Keyser and Officer Clay DeMarco; will bring it to full strength at fulltime; in regards to part-time officers, hired 12 folks out of the last summer class and winter class; 33 part-time officers covering 105 shifts per week; weren't able to run the summer academy this year due to the default budget; in comparison to last year at this time, calls for service up 12% from last year; arrests are flat at about 500; DWI's are up 15%; drug offenses remain the same; for incidents reported to the department are at a 21% increase; the number of offenses in the 21% are up 10%; felonies remain the same; accidents are up 3%; motor vehicle stops are down slightly at 4%; parking tickets and income derived from that are down 35% due to coverage; responded to critical instances in Brentwood, South Hampton and Newmarket; resident parking lots are for those residents with stickers.

Deputy Chief Sawyer commented: in regards to parking, officers are following directions from administration; if you have an issue please just call the department.

Selectman Woolsey commented: hoping to see more permanent police officer positions in the department; need beefing up on the regular fulltime; have you noticed that businesses of north beach allowing patrons to park in the lots?

Chief Sullivan answered: lots have been adjusted over time; parking up there is an issue; we need to address the numbered streets because that is a safety issue.

Selectman Griffin commented: at the Sea Rise meeting, one of the issues discussed was not building your Police and Fire Departments in wet areas.

Chief Sullivan stated: they thought it was a good idea too, but it is where it is now.

Selectman Griffin commented: the private parking lots that people are paying for, something that needs to be addressed next year.

Chief Sullivan stated: the parking lot issue is more of a Building/Planning issue; document the complaints and pass them along; in regards to people waiving people and blocking roads, that's a disorderly issue and it can't be done.

Selectman Griffin commented: next year it needs to be addressed earlier; what about the private parking areas.

Deputy Chief Sawyer commented: there are a lot of new officers that we tell to enforce the parking ordinance; there is no parking at the end of the road on Dover Avenue; need access for emergency; need to go around now to deal with signage issues.

Selectman Griffin commented: do you know about the people putting cones on and around 10th and 12th street?

Deputy Chief Sawyer commented: the area is getting busier and parking is becoming a premium issue; is it a driveway or a roadway; the numbered streets are troubling; people put up their own signs.

Chief Sullivan commented: try to define what the roadway is and deal with it on a case by case basis; do the best we can with it.

Selectman Bridle commented: thought on hiring parking enforcement people.

Chief Sullivan stated: with the budget, we didn't know where we'd be body wise; it wasn't a priority; just covering it with our patrol shifts now; want to do it next year.

Selectman Bridle commented: down 35% from last year.

Chief Sullivan commented: there are a number of global issues that we're talking about.

Selectman Bridle asked: is the uptown parking lot looked at for vehicles parked there for a long period of time.

Deputy Chief Sawyer answered: a vehicle was just removed;

Chief Sullivan replied: generally it's an issue during the winter for snow removal; this time of year only if there is a complaint.

Selectman Bridle commented: the uptown lot has different time allotment signage that should be addressed in the future to be more uniform.

Selectman Waddell asked: the lot on the corner of High Street and Ocean Boulevard across from North Beach Bar & Grill, there was a gentleman getting a ticket with a handicapped plate, if there is no handicapped spots can't they park there?

Chief Sullivan answered: if it's a restricted lot then they cannot.

Deputy Chief Sawyer stated: if it's a town lot, the handicapped spot is for a town resident.

Chief Sullivan commented: there is so much pressure with the town lots; the handicapped plates can park anywhere if it's not a fee based or restricted lot.

Chairman Bean commented: a hail and farewell to your new folks and the fine Sergeant that just retired; have the finest police force in the state if not the nation; Mary Louse Woolsey is to be applauded for endorsing all the hard work that you do; you have the heavy part of the batting order on a day to day basis; not unaware of that and we appreciate it; we should be thankful for the issues that we confront.

Chief Sullivan thanked the Board for their kind words.

b. Entertainment Activities Ordinance

Chief Sullivan stated: there has been a new draft of the entertainment ordinance at the last town meeting; purchased the meters necessary to meet that standard; trained on how to utilize them; in general speaking generally, the ordinance requires that there needs to be a complaint; the reading is for a 30 second period of time; there are two different numbers, one before 11pm and one after 11pm; only issued one summons under that ordinance, and that's in the court process; in general, gone out to just see numbers and track that data; the numbers vary, the ambient noise sometimes exceeds the number and sometimes it doesn't.

Deputy Chief Sawyer stated: bought two new meters so that they could defend the system they are utilizing; there is an internal and external calibration check; there are a lot of things that affect noise; 50 decibels is a very low number; want to be as transparent as possible, want everyone a chance to comply; experimented with what number is of the ambient noise without music, problematic when the ambient noise is louder than the level allowed for an entertainment venue; it's going to be a process for the department.

Selectman Woolsey commented: a great deal of effort went into this ordinance; the decibels levels came from samples of different areas; it all comes down to being a good neighbor; need to see more of that sentiment.

Chief Sullivan clarified that they presented data levels, that they had no position; they provided guidance to the Board on the data levels.

Selectman Griffin asked what are you recommending as far as the noise ordinance.

Chief Sullivan stated that we are not recommending anything; we were asked to come to give a state on the process.

Selectman Griffin asked if the Chief thinks that the noise ordinance is the way it needs to be.

Chief Sullivan stated: there is a summons that has been issued; let's see that go through the court process; there has been a difference of opinions.

Selectman Griffin stated: in the North Beach area, the majority of the noise is from motorcycles; what do you think about that?

Chief Sullivan explained that is separate from this ordinance; there is an ordinance that deals with noise from motorcycles, and that number is in the high nineties; it seems better; very often they are legal bikes; and yes that it is an issue.

Selectman Bridle commented that the ambient noise is much higher than our ordinance; need to make sure we are fair to the people that sleep and fair to the businesses.

Selectman Waddell agrees with what Selectman Bridle stated.

Deputy Chief Sawyer stated that everybody has been very reasonable with us; it is a new area of enforcement for us, we are working through it, need be patient; right now is data collection. The environment plays a huge factor in the levels of the ambient noise.

Chairman Bean reiterated that the Deputy Chief was very clear last year when he came before the former board, in that you were looking for instruction and guidance and you did great research; it was article 33 from the 2014 warrant, it was amended on the floor to reduce the levels down to 50 decibels. Three members of the prior board who are no longer here had voted in favor of the ordinance, I had voted against the ordinance and Selectman Woolsey voted for it, this is a new board and we inherit what prior boards do and execute and what town voters vote on as a matter of law. We have reexamined some of your source documents and your research and there is a decision from Judge Joseph N. Laplante authorizing a consistent decibel of 85 decibels from a distance of 65 feet. And that he believes Selectman Woolsey is absolutely right, it is about being a good neighbor, and if we can all work together, we will muddle through this.

2. Kristi Pulliam, Finance Director (51:36)

a. Monthly Financials

Ms. Pulliam explained that this is the (June) sixth report of 2014 so the expenditure target is 50%; the month's total income was \$693.1k, of that total, motor vehicles came in at \$256.2k, which is \$34.2k above the monthly target, this puts motor vehicles \$166.5k above budget or plus 6.25% for the year to date. Other major contribution to the months total were building permits at \$27.7k; parking lots at \$134.2k; interest on taxes at \$113.9k; departmental at \$131.1k which includes the SRO billing, and real estate trust at \$30k. The expense summary shows the year-to-date expenses by department; at the end of June, the operating departments without debt service but with open POs were 49.4% of the budget, which is lower by \$137.7k or the months target at 50%; the majority of the departments are below the target level and don't have any major issues. Management Information Services: the four equipment related accounts, repairs & maintenance through replacement equipment have a combined budget of 81.8k. Personnel Administration: the annual bank buy-back program when combined with the employee separation costs account are \$81.6k over their year-to-date target, this gap has closed in and this group of accounts is now within the monthly target at 49.84%; the Planning Board contracted services is at 71.7%, which is related to membership dues being paid in the month of June. Municipal Insurance: the Health Insurance is on target at 49.99%; the Worker's Comp second half of the year and Property Liability yearly payments were made in June, which is putting this group of accounts over the target at 60.95%. The Police Department is at 43.27% overall when the open POs are included; two accounts in support services and part-time special officers and summer coverage fulltime, have a combined budget of \$395k and with only \$53.1k being expended to date, and accounts for \$144.3k of the departments favorable variance. The Fire Department is at 46.8% overall when the open POs are included; the four Fire Suppression OT accounts are at 37.6% of the annual budget, this favorable position will shrink as we go through the summer season. Highways and Streets is over its target by 2.6%, which goes back to the snow and ice removal at the

beginning of the year. Municipal Sanitation continues to run slightly below its target. The Warrant Articles that were passed, all been paid unless they were over \$10,000; they received half of their payments in the beginning of the year and in September we'll do the second half. The costs for the third of nine month relating to the collective bargaining agreements have been booked.

The Bond refinancing was successful; it closed on June 16th, with a net savings to the town of \$540,677 and will be paid off 4-years earlier. Copies of the audit were in your mailboxes; everything went well and due to operating efficiency, they were able to include the cost of the single audit as part of the original engagement fee.

The implementation of GASB 34 and 45 was brought up again, it has been discussed in previous years; have begun the process of gathering information in regards to the cost of implementing both GASB 34 (fixed assets) and 45 (post-employment costs) from other communities and will bring that information back to the board.

b. MS-5 DRA Audit Form

Ms. Pulliam explained that the MS-5 DRA Audit Form (three originals) prepared by the Auditors needs to be signed by the board.

Selectman Woolsey commented: don't see reason to delay getting the audit up online if Ms. Pulliam is comfortable with it; was very disappointed last year that we weren't able to refinance due to the market; make a mental note to explain it to the budget committee as well as the GASB information; is there a rough figure on the revenue from the sewer buy in charges? Ms. Pulliam answered: as of July 1st \$31,122 for the sewer access fee.

Selectman Woolsey asked about dog licenses are showing budgeted in anticipated revenues of \$12,000 coming in and only \$8,000 showing; under the revenue report federal revenue and grants, do we know what that is? Town Manager Welch answered: it's the closing out of the CDBG planning grant; parking tickets is low; dispatch revenue, are we near to renewing the Hampton Falls dispatch. Town Manager Welch answered: no, I think it is next year. The encumbrances are 64%; like to clean those up; under ambulance revenue, what is that? Town Manager Welch stated it is the auditor's adjustment, and going to need to write off some of those older ones, and we need to be charging more and bring this information to the Board.

Selectman Griffin commented that Ms. Pulliam is doing a great job; must be nice to having the audits done, letting you are doing a great job.

Selectman Bridle commented that it is a great report.

Selectman Waddell: His only concerns is the health insurance costs and are we aware of what our costs are going to be.

Ms. Pulliam has been talking with our health insurance rep, they are not giving any information; she is budgeting at 7 to be on the safe side.

Chairman Bean commented: thank you for the report and great work; GASB is Government Accounting Standard Board; 34 & 45 deals with the information you discussed; they are important; they are reflected on in the audit; consensus to post it on the website; there are adverse comments about the ambulance reporting and impact our ability for our financial decisions.

Item #3 from under New Business, Chairman Bean requested that this be discussed before the next appointment, no objection for this to come forward.

3. Response to Planning Boards Letter on 1042 Ocean Blvd (1:09:29)

Larry Gormley representing Mr. Gacek of 1042 Ocean Blvd. Explained that the Planning Board has sought direction from the Board before issuing a certificate of occupancy; an application to repair a seawall, not here for that as they were directed to come back in September; this request is for the Board to direct the Planning Board and the Building Inspector to issue the certificate of occupancy.

Town Manager Welch explained he was informed by the Planning Board and Conservation Commission that in issuing their special permit for this property; the Board's had run all three issues together which is inappropriate; told them to separate them; the Board's had refused to do that; in regards to the CO that is a matter of the Building Inspector; he's ready to issue it; in regards to the seawall to deal with that in the future.

Chairman Bean clarified that the matter is the issuance of Certificate of Occupancy. Selectman Woolsey concurs with Town Manager Welch statement; Selectman Griffin commented that it should have been issued and makes no sense to him; Selectman Bridle commented that he has no problem with it; Selectman Waddell commented that he has no problem with it.

Selectman Griffin MOVED to respond to the Planning Board's request regarding 1042 Ocean Boulevard. The Board of Selectmen has voted to obtain a letter of agreement for the completion of the seawall at 1042 Ocean Boulevard by December 1, 2014. Given that agreement we see no reason why a CO should not be issued for occupancy of the structure at 1042 Ocean Boulevard given the completion of all work being completed in the opinion of the Building Inspector. We do not see it as reasonable to delay to hold occupancy of a completed structure that is ready for occupancy based upon a restructured seawall some months in the future. SECONDED by Selectman Waddell.

VOTE: 5-0-0

Appointments continued

4. Philip Johnson, Until (1:15:36)

- a. Permission for installation of new gas lines and pressure regulating station – Falcone Cir and St. Cyr Drive

Mr. Johnson explained that they are looking to install approximately 5000 feet of 2" gas main; applied for the excavation permit and awaiting approval from the Selectmen.

Selectman Woolsey asked about the timeframe. Mr. Johnson answered: would like to start as soon as possible; hopes to have 2 to 3 crews; possibly be out of there in 6-8 weeks. Selectman Woolsey asked if this is similar to what you are doing on Winnacunnet Road. Mr. Johnson answered: that is a steel gas main replacement, which is twice as much work as installing new gas main. Also, is it possible to communicate with us once a year with projects and costs? Mr. Johnson answered when we meet with Public Works and can pass it along to the Board.

Selectman Griffin stated that the residents are excited about the project. Mr. Johnson commented it is a project in the making for a couple years.

Selectman Bridle commented it is great for them, and it appears it was a petition. Mr. Johnson commented that the more people you have interested in the gas service, the less expensive it is for the customer, as it costs the residents.

Town Manager Welch recommends the Board approve it subject to some requirements; they receive a street opening permit, and they are subject to taxation of the new lines; Selectman Woolsey commented that Aquarion learned that they have benefited from a public presence; have no objection for them coming in periodically; taxation of the new lines. Town Manager Welch stated that it all falls under the permit.

Selectman Bridle MOVED to grant permission for installation of new gas lines and pressure regulating station – Falcone Cir and St. Cyr Drive subject to requirements of receiving a street opening permit and the agreement for the taxation of the new lines signed by a corporate officer SECONDED by Selectman Woolsey.

VOTE: 5-0-0

VII. Approval of Minutes (1:22:54)

1. July 14, 2014

Selectman Woolsey MOVED to approve the July 14, 2014 minutes SECONDED by Selectman Bridle.

VOTE: 5-0-0

VIII. Town Manager's Report (1:23:07)

1. The Town continues to have vacancies on Town Boards, Committees, and Commissions. Please check the website for the listed vacancies and contact the Selectmen's Office for consideration to be appointed.
2. I am sorry to report that Ellen Goethel has resigned from the Conservation Commission after many years of service so that she may devote her limited time to her position on the New England Fishery Management Council.
3. Reviews of the projected 2015 Town Budget have started. I expect the Town Manager's reviews to be completed by August 19th and the Selectmen to receive the budget from Finance Department on August 22nd.
4. I have been investigating the insurance requirements for the licensing of taxi's and am finding that the average insurance requirements are \$500,000 per cab, in many cases around the country these are set by the State as opposed to being set by the communities in New Hampshire
5. I will be on vacation for part of the month of September and would request that the Chief of Police be appointed as the acting Town Manager from September 16 to the 29th.

Town Manager Welch added the request Challenge Montreal-Boston asked to waive the \$5 fee since only two people are running through town.

Selectman Bridle MOVED to approve the request to waive the Parade and Public Gathering Fee for the Challenge Montreal - Boston event SECONDED by Selectman Waddell.

VOTE: 5-0-0

Town Manager Welch added that there is request for the release of a Welfare lien from the Legal Department.

Selectman Woolsey spoke about how Ellen Goethel has given so much of herself to this community; get a letter together. Town Manager Welch stated that the letter is already taken care of.

Selectman Bridle also spoke about how Ellen Goethel and her family have done so much for the conservation in this town.

Town Manager Welch mentioned that the lottery commission is going to be in town at Marelli's Market on July 31st from 11am-2pm holding a lottery event. Selectman Woolsey would like to hear about the last time the lottery has given money to this town.

IX. Old Business (1:27:56)

Selectman Woolsey spoke on the NHMA policy, has questions on them, and asked if there is any guidance on what the LGC has come up with. Town Manager Welch stated it needs three Philadelphia lawyers to read it and it needs to be signed.

Chairman Bean explained that the HealthTrust does pose some significant questions that should be staffed through the Town Attorney, Finance Director for employee benefits and personnel lawyer; there's a "babysitter" at \$180,000 a year that's been appointed; the health insurance part of the house is paying 90% of that; health premiums are going to subsidize the Property Trust which was the whole problem in the first place; there are cessation provision for our contracts; there are certain benchmarks; it's in a gray area; it's a very serious issue.

Selectman Woolsey asked if this still only addressing from 2010 to present.

X. New Business (1:30:50)

1. Question of permitting/limiting Seafood Sidewalk Vendors Licenses that are outside of the cordoned off area of the Festival

Town Manager Welch stated: received a number of requests from people on the west side of Ocean Boulevard running to L Street; inquired of the Fire Chief and Police Chief, and they suggest it can be permitted with the following restrictions: the sidewalk cannot be blocked or restricted so that pedestrians are impeded or forced into the roadway, egress to or from any property is not impeded, no tent of any kind or sort to be used, or be located on the sidewalk, the cooking or heating of anything is prohibited on the sidewalk, the Seafood Festival Sidewalk Vendors License request must be accompanied by a drawing or plan showing that the above restrictions are met.

Selectman Griffin MOVED that the use of the Ocean Blvd, south of H Street by vendors who wish to obtain a Seafood Sidewalk Vendors License from the Board of Selectmen to sell merchandise during the Seafood Festival would be permitted with the following restrictions:

1. The sidewalk cannot be blocked or restricted so that pedestrians are impeded or forced into the roadway.
2. Egress to or from any property is not impeded.
3. No tent of any kind or sort to be used, or be located on the sidewalk
4. The cooking or heating of anything is prohibited on the sidewalk.
5. The Seafood Festival Sidewalk Vendors License request must be accompanied by a drawing or plan showing that the above restrictions are met.

SECONDED by Selectman Woolsey.

VOTE: 5-0-0

2. Review of NHMA 2015-2016 Legislative Policy (1:32:28)

Town Manager Welch explained that these are policy guidance documents. Several of the recommended policies have no explanation; they should give all the information on all the lists as boards change; some policies are standing policies and recommendations; all are very interesting; these policies will be suggested to the legislature; there are three different policy groups.

Selectman Woolsey suggested that they go through each one by one so the public can hear them.

Chairman Bean suggested alternate course of action, he proposes a motion that each Selectman email Town Manager Welch yes or no on each one and post them on the town website.

Selectman Woolsey asked why the Board couldn't discuss them tonight as the public is watching and asking our opinion.

Selectman Bean MOVED to have each Selectman email Town Manager Welch yes or no on any of the individual items and the document be posted on the town's website SECONDED by Selectman Griffin.

VOTE: 4-1-0 (Woolsey)

Discussion

Selectman Bridle asked what the plans are for the coming year in with regards to not renewing the membership.

Town Manager Welch stated that there are two issues with this; the membership and the labor contracts that deal with our management employees, they have right to attend those meetings.

Selectman Bridle stated that the Board should have a serious discussion before and when the renewal comes.

Chairman Bean commented that the legal decision or that agreement between the BSR, PLT, and the Health Trust is a significant thing that we should piggyback next month.

Chairman Bean added that he received from Mr. Silberdick, the Chair of Trustees has questions about H.B. 297 and S.B. 219; asked the Town Manager Welch to advise the Selectmen of any courses of action.

Note: Draft minutes are subject to corrections, additions and deletions.

Town Manager Welch comment that he has drafted an article for S.B. 219 as the Board of Selectmen asked it to be submitted to the General Court to be enacted; they did not enact it; for H.B. 297, has not had a chance to discuss with legal counsel yet.

Chairman Bean asked Town Manager Welch to reach out to Mr. Silberdick.

XI. Closing Comments (1:39:32)

Selectman Woolsey commented that she appreciates the Fire Chief's letters to the Planning Board, and would like the Board to encourage the Police Chief and Deputy to question the parking requirements for some of this construction; being killed by lack of parking at the beach for these developments. Would like to ask the both the Chief's to try and challenge the Planning Board on the number of parking spaces, that the developments comply with the parking requirements.

Town Manager Welch stated: we are telling them that they need to strictly adhere to the ordinance; no requirement at the beach to have parking at all.

Selectman Waddell commented that it is not our business to tell the Planning Board what to do.

Chairman Bean asked who the liaison with the Planning Board is. Selectman Griffin answered that it was he. Chairman Bean concept for this Board is to address any issues dealing with the Planning Board with Selectman Griffin.

XII. Adjournment of Public Meeting (1:43:15)

Selectman Waddell MOVED to ADJOURN the Public Meeting at 8:45 PM SECONDED by Selectman Bridle.

VOTE: 5-0-0

Chairman